

**Application No.:** 10/782,266  
**Filing Date:** February 18, 2004

### REMARKS

Claims 91-95, 113-122, 127-141, and 143-154 were pending in this application as of the date of the Office Action. Applicant has added new dependent Claims 155-160 with the present amendment. Applicant submits that dependent Claims 155-160 are supported by the application as filed such that no new matter is introduced by this amendment. Therefore, Claims 91-95, 113-122, 127-141, and 143-160 are currently pending.

Applicant thanks Examiner for allowing Claims 113-118, 130-133, 135, 138, 139, 141, 145-149, 152, and 154.

In this amendment, Applicant has amended rejected independent Claims 91, 119, and 122 to be condition for allowance, pursuant to MPEP § 714.12. In particular, Applicant has amended Claims 91 and 122 to have limitations that are similar to the limitations of the allowed independent claims and that Applicant submits define over the prior art, and has amended Claim 119 to have limitations not disclosed in the cited references. Accordingly, Applicant respectfully requests Examiner to also allow independent Claims 91, 119, and 122, and all claims depending therefrom.

#### Rejections Under 35 U.S.C. § 112:

Claim 150 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 150 has been canceled in this amendment without prejudice.

#### Rejections Under 35 U.S.C. § 102 and § 103:

Claim 91 was rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,776,183 ("Kanesaka"). Applicant disagrees with this rejection, but has amended Claim 91 herein to place Claim 91 in condition for allowance.

For example, Applicant has amended Claim 91 to set forth a method of applying a radial force against a surface of a passageway with an expandable device, comprising, *inter alia*, radially expanding the expandable device to expand the plurality of cells *to a transition point defining a geometry of the plurality of cells at which no additional force is necessary to further expand the plurality of cells*, and *permitting the plurality of cells to continue to expand beyond*

*the transition point to the at least one expanded state* so that the expandable device expands against a surface of the passageway.

Applicant submits that amended Claim 91 is allowable for at least the same reasons that independent Claims 113 and 130 have been allowed over Kanesaka, i.e., because Claim 91 is not anticipated or rendered obvious by Kanesaka because Kanesaka do not show every element of each claim arranged as in each claim (*see* MPEP §2131) and, further, because the invention set forth in Claim 91 would not have been obvious to one of ordinary skill in the art at the time of the invention.

Claims 93, 94, and 134 were rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Kanesaka. Claim 143 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kanesaka. Claims 92, 95, and 151 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kanesaka in view of US 5,895,406 (“Gray”).

Applicant respectfully submits that dependent Claims 92-95, 134, 143, and 151, which depend from Claim 91, are also in condition for allowance for at least the same reasons set forth above for Claim 91, and also because Claims 92-95, 134, 143, and 151 each set forth further patentable distinctions over the prior art.

Claims 119 and 122 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gray. Applicant disagrees with these rejections, but has amended Claims 119 and 122 herein to place Claims 119 and 122 in condition for allowance.

For example, Applicant has amended Claim 119 to set forth a method for installing a liner within a tubular passageway, comprising, inter alia, providing an expandable device having a plurality of bistable cells, each of the bistable cells comprising first and second arcuate members, each cell being capable of assuming a stable collapsed configuration in which the first and second arcuate members are in phase and a stable expanded configuration in which the first and second arcuate members are out of phase, the expandable device having a generally tubular shape; and supporting an expandable liner element with the expandable device, wherein the first and second arcuate members of each of the bistable cells are interconnected *so that the bistable*

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*cells are capable of assuming only the stable collapsed configuration or the stable expanded configuration.*

Applicant submits that Gray does not disclose or render obvious at least these limitations of Claim 119. As indicated in the Office Action, Gray discloses a balloon expandable device, and such device has multitude of stable configurations beyond the stable collapsed configuration and the stable expanded configuration. Therefore, Applicant submits that Claim 119 is not rendered obvious by Gray, and is in condition for allowance.

Further, Applicant has amended Claim 122 to set forth a method of isolating a portion of a passageway, comprising, inter alia, expanding the one or more cells from a stable collapsed configuration in which the first and second wave-like portions are in phase *to a transition point defining a geometry of the one or more cells at which no additional force is necessary to further expand the one or more cells*, and *permitting the one or more cells to continue to expand beyond the transition point to a stable expanded configuration*, in which the first and second wave-like portions are out of phase, wherein there are no stable configurations between the stable collapsed configuration and the stable expanded configuration.

Applicant submits that amended Claim 122 is in condition for allowance for at least the same reasons that independent Claims 113 and 130 have been allowed, i.e., because Claim 122 is not anticipated or rendered obvious by Gray or any other cited reference.

Claims 120, 121, 127-129, 136, 137, 144, and 153 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gray. Claim 140 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of US 4,886,062 ("Wiktor").

Applicant respectfully submits that dependent Claims 120, 121, 127-129, 136, 137, 144, and 153 are also in condition for allowance for at least the same reasons set forth above for claim or claims from which they depend, and also because Claims 120, 121, 127-129, 136, 137, 144, and 153 each set forth further patentable distinctions over the prior art.

No Disclaimers or Disavowals

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Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

*Co-Pending Applications of Assignee*

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
PARGN.001A	11/875,718	DEFORMABLE LUMEN SUPPORT DEVICES AND METHODS OF USE	19-Oct-2007
PARGN.002C1	10/270,771	BISTABLE SPRING CONSTRUCTION FOR A STENT AND OTHER MEDICAL APPARATUS	11-Oct-2002
PARGN.2C1CP1	11/317,495	DEVICE COMPRISING BIODEGRADABLE BISTABLE OR MULTISTABLE CELLS AND METHODS OF USE	22-Dec-2005
PARGN.2C1CP2	11/391,940	FRACTURE-RESISTANT HELICAL STENT INCORPORATING BISTABLE CELLS AND METHODS OF USE	29-Mar-2006

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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